

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 ORM-02 TRSE-00 IO-13 SCA-01
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FM AMEMBASSY SANTIAGO
TO SECSTATE WASHDC 3707

UNCLAS SANTIAGO 1774

E. O. 11652: N/A
TAGS: SHUM, PINT, CI
SUBJECT: JUDICIARY-EXECUTIVE CONFRONTATION

REF: SANTIAGO 1689

1. FOR THE THIRD TIME IN AS MANY DAYS THE CHILEAN SUPREME COURT HAS TAKEN A POSITION INVOLVING THE EXECUTIVE JUDICIARY RELATIONSHIP (REFTEL). THE SUPREME COURT PRESIDENT OFFICIALLY INFORMED PRESIDENT PINOCHET MARCH 3 THAT HIS INTERIOR MINISTER HAD NOT COMPLIED WITH THE APPEALS COURT'S ORDER IN THE HABAES CORPUS CASE OF MARIA BALINDO RAMIERZ. THE COURT BROUGHT THE MATTER TO THE ATTENTION OF THE PRESIDENT "SO THAT HE MIGHT ADOPT THE PERTINENT MEASURES HE DEEMS NECESSARY AND DIRECT THAT THE INFORMATION REQUESTED BY THE COURT BE PROVIDED IN THE LEAST TIME POSSIBLE." THE APPEALS COURT HAD ASKED THE MINISTER REPEATEDLY IF GALINDO HAD BEEN DETAINED BY DINA OR ANOTHER OFFICIAL ORGANIZATION JULY 22, 1976, AND IF SO, WHERE SHE IS OR WHETHER SHE HAD BEEN FREED. THE MINISTER DID NOT ANSWER THAT SPECIFIC QUESTION, BUT RATHER RESPONDED WITH THE STANDARD PHRASE THAT SHE "IS" NOT (NOW) DETAINED.

2. THE FAMILY OF GALINDO CLAIMS SHE WAS ARRESTED ON JULY 22, 1976, AND THAT DINA AGENTS SEARCHED HER QUARTERS IN AUGUST OF THAT SAME YEAR. THERE WAS ALSO A SWORN DECLARATION BY PEDRO ROLANDO JARA ALEGRIA THAT WHILE HE WAS BEING DETAINED BY DINA AGENTS UNCLASSIFIED

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ON AUGUST 24, 1976 HE SAW GALINDO ALONG WITH SEVERAL OTHER PERSONS BEING HELD.

3. COMMENT: UNDER CHILEAN JUDICAIL PROCEDURES, THE EXECUTIVE IS REQUIRED TO RESPOND QUICKLY TO REQUESTS FOR INFORMATION BASED ON HABEAS CORPUS WRITS. THE COURTS ORDINARILY ACCEPT THE STANDARD REPLY THAT THE PERSON IS NOT DETAINED. IN THIS CASE,

THE APPEALS COURT REFUSED TO ACCEPT THAT FORMULATION AND THE SUPREME COURT INSISTS ON RECEIVING A SPECIFIC ANSWER. TO THE BEST OF THE EMBASSY'S KNOWLEDGE, THIS IS THE FIRST TIME THE SUPREME COURT PRESIDENT HAS TAKEN UP A DISAPPEARANCE CASE WITH THE PRESIDENT.

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